

The libel alleged that the article was misbranded in that the following statements, (can) "1 pound net weight \* \* \* Guaranteed analysis crude protein not less than 11%. Crude Fat not less than 7%," were false and misleading since the cans contained less than 1 pound net and the article contained less than 11 percent of crude protein and less than 7 percent of crude fat. The article was alleged to be misbranded further in that the following statements borne on the label, regarding its curative or therapeutic effects, were false and fraudulent: (Can) "Recommended as an Intestinal Worm Remover and Conditioner. \* \* \* Intestinal Worm Remover \* \* \* scientifically prepared to remove intestinal worms from dogs and cats \* \* \* Poochie Intestinal Worm Remover is a conditioner as well as a remedy. \* \* \* To keep your dog in perfect condition feed from 2 to 4 cans each month. Worm and condition your dogs and cats this convenient way"; (carton label) "Worm Remover and Conditioner for Dogs & Cats."

On June 22, 1937, Poochie Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27537. Misbranding of Sixty Minute Worm Expeller. U. S. v. Ernest H. Burfeind (Chemical Products Co.).** Plea of nolo contendere. Fine, \$10. (F. & D. No. 88589. Sample No. 52686-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Burfeind, trading as the Chemical Products Co., Ellsworth, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 13, 1935, from the State of Minnesota into the State of Pennsylvania, and on or about November 23, 1935, from the State of Minnesota into the State of Missouri of quantities of Sixty Minute Worm Expeller which was misbranded. The article was labeled in part: "Chemical Products Co., Ellsworth, Minn."

Analysis showed that it consisted essentially of ground Areca nut and charcoal.

The article was alleged to be misbranded in that certain statements borne on the box label and contained in the circular falsely and fraudulently represented that it was effective as a worm expeller and as a cure for tape worm, and effective to save puppies and cheer up old dogs.

On June 8, 1937, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10 and suspended payment thereof.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27538. Misbranding of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs. U. S. v. Frank M. Spors (Spors Co.).** Plea of guilty. Fine, \$25. (F. & D. No. 38607. Sample Nos. 6405-C, 6408-C, 6410-C, 6411-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects, and that of the Foot Pal bore false and misleading representations regarding its alleged antiseptic properties.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank M. Spors, trading as the Spors Co., Le Center, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 3, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs that were misbranded. The articles were labeled variously: "Foot Pal \* \* \* The Foot-Pal Co., Le Center, Minn."; "Big-Chief Herbs \* \* \* Big-Chief Products Co., Le Center, Minn."; "Minnehaha Indian Herbs \* \* \* Minnehaha Herb Co., Le Center, Minn."

Analyses showed that the Foot Pal consisted essentially of small proportions of sodium salicylate, glycerin, and pine-needle oil, and water colored with a green dye; that the Big Chief Herbs consisted essentially of plant material including lavender flowers and volatile oil of mustard; and that the Minnehaha Indian Herbs consisted essentially of plant material including senna leaves, gentian root, uva-ursi, triticum, and other unidentified plant material. Bac-

teriological tests of the Foot Pal showed that it was not antiseptic when used as directed.

The Foot Pal was alleged to be misbranded in that the statement "antiseptic," borne on the bottle label, was false and misleading since said statement represented that the article was an antiseptic when used as directed; whereas it was not an antiseptic when used as directed.

All articles were alleged to be misbranded in that certain statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent in the following respects: The bottle label of the Foot Pal falsely and fraudulently represented that the article was effective as an antiseptic against serious consequences resulting from infections; effective as a treatment, remedy, and cure for blisters and wounds from stepping on nails; effective to draw out rust and dirt; and effective to heal quickly; certain statements on the bottle label of the Big-Chief Herbs falsely and fraudulently represented that the article was effective as a relief for headaches, sinus, catarrh, hay fever, and asthma; certain statements on the boxes and cartons of the Minnehaha Indian Herbs falsely and fraudulently represented that the article was effective as Nature's own remedy; effective as a treatment, remedy, and cure for auto-intoxication and acid stomach due to constipation, and effective as a stimulant to the kidneys. Certain statements in the circular enclosed in the cartons of a portion of the Minnehaha Indian Herbs falsely and fraudulently represented that the article was effective as a tonic and to correct constipation and its results, such as rheumatism, kidney trouble, and stomach disorders; and effective as a treatment, remedy, and cure for weak, run-down condition, stomach disorders, sick headache, kidney troubles, tired, weak, run-down feeling, insomnia, diseased kidneys, ulcers of the stomach, loss of appetite, lowered vitality, coated tongue, skin blemishes, catarrh, fevers, nervousness, indigestion, and kindred ailments.

On June 28, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27539. Misbranding of Shiloh. U. S. v. S. C. Wells & Co. Plea of guilty. Fine, \$200. (F. & D. No. 38615. Sample No. 13203-C.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 15, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. C. Wells & Co., a corporation, Le Roy, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 13, 1936, from the State of New York into the State of Pennsylvania of a quantity of Shiloh which was misbranded. It was labeled in part: "Shiloh for coughs, etc. \* \* \* Prepared only by S. C. Wells & Company, Toronto, Can., Le Roy, N. Y."

Analysis showed that the article consisted essentially of terpin hydrate, tar oil, volatile oils including peppermint oil, chloroform, glycerin, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle label and carton, falsely and fraudulently represented that it was effective as a treatment for coughs, hoarseness, angina, whooping cough, spasmodic croup, sore throat, inflammation of the bronchi, shortness of breath, consumption, and all pulmonary diseases.

On July 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27540. Misbranding of World's Wonder Massage and World's Wonder System Builder. U. S. v. World's Wonder Medicine Co., Inc., Francis Cooper, and Robert A. Walton. Pleas of nolo contendere. World's Wonder Medicine Co. fined \$200; payment suspended for 5 years. Francis Cooper and Robert A. Walton placed on probation for 5 years. (F. & D. No. 38625. Sample Nos. 6628-C, 6629-C.)**

Examination showed that the labeling of these products bore false and fraudulent statements regarding their curative and therapeutic effects, and that the System Builder was not composed of the ingredients listed on the label.

On March 12, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the World's Wonder Medicine Co., Inc.,